

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Denny George Constantine  
Application No.: 09/ 779 771 Group No.: 3643  
Filed: Feb. 8, 2001 Examiner: DW Ark  
For: Rabid Animal Control Method

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. § 1.136(a))**

1. This is a petition for an extension of the time for a total period of 1 months  
to Office action mailed Nov. 20, 2002  
(indicate matter being extended)

NOTE: 37 C.F.R. § 1.704(b) "... an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

- with sufficient postage as first class mail.  as "Express Mail Post Office to Addressee"

Mailing Label No. EU982255415US (mandatory)

**TRANSMISSION**

- facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Robert Charles Hill  
Signature

Date: March 18, 2003

Robert Charles Hill

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE:** "Extensions of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).

**NOTE:** See 37 C.F.R. § 1.645 for extensions of time in interference proceedings and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

**NOTE:** An extension of time under 37 C.F.R. § 1.136(a)(1) is available unless:

- "(i) Applicant is notified otherwise in an Office action;
- "(ii) The reply is a reply brief submitted pursuant to § 1.193(b);
- "(iii) The reply is a request for an oral hearing submitted pursuant to § 1.194(b);
- "(iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.196, § 1.197 or § 1.304; or
- "(v) The application is involved in an interference declared pursuant to § 1.611."

**2. A response in connection with the matter for which this extension is requested:**

- is filed herewith.
- has been filed.

(complete the following, if applicable)

**NOTE:** The PTO accepts the filing of a continuing application as a response under 37 C.F.R. §§ 1.136 and 1.137. To facilitate processing in such a case, the petition for extension of time should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

- The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

**3. Applicant is**

- a small entity. A statement:
- is attached.
- was already filed.
- other than a small entity.

**4. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)–(5)):**

| Extension<br>(months)                         | Fee for other than<br>small entity | Fee for<br>small entity |
|---|------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> one month | \$ 110.00                          | \$ 55.00                |
| <input type="checkbox"/> two months           | \$ 400.00                          | \$ 200.00               |
| <input type="checkbox"/> three months         | \$ 920.00                          | \$ 460.00               |
| <input type="checkbox"/> four months          | \$ 1,440.00                        | \$ 720.00               |
| <input type="checkbox"/> five months          | \$ 1,960.00                        | \$ 980.00               |

Fee: \$ 55.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 55.00

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any), the extended period for response will expire on March 20, 2003 (Date).

6. Fee Payment

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986; 1065 O.G. 31-33.*

- Attached is a  check  money order in the amount of \$ 55.00
- Authorization is hereby made to charge the amount of \$ \_\_\_\_\_
- to Deposit Account No. \_\_\_\_\_
- to Credit card as shown on the attached credit card information authorization form PTO-2038.

*WARNING: Credit card information should not be included on this form as it may become public.*

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Robert Charles Hill

SIGNATURE OF PRACTITIONER

Reg. No.: 20 903

Robert Charles Hill

(type or print name of practitioner)

Tel. No.: (415) 421-2080

235 Montgomery Street #821

P.O. Address

Customer No.:

San Francisco, CA 94104

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Denny George Constantine**  
Application No.: 09 / 779 771 Group No.: 3643  
Filed: Feb. 8, 2001 Examiner: DW Ark  
For: Rabid Animal Control Method

Commissioner for Patents  
Washington, D.C. 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)**

**NOTE:** An appeal may be based on one rejection in a prior application and one rejection in a continuing application. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 93 (Oct. 10, 1997).

**NOTE:** There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 94 (Oct. 10, 1997).

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed Nov. 20, 2002, finally rejecting claims 3 and 5-12.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

- other than a small entity.  
 a small entity.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- deposited with the United States Postal Service in an envelope addressed to the ~~Assistant~~ Commissioner for Patents, Washington, DC 20231 P.O. Box 1450, Alexandria, VA 22313-1450  
37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10  
 with sufficient postage as first class mail.  as "Express Mail Post Office to Addressee"  
Mailing Label No. EU982255344US (mandatory)

**TRANSMISSION**

- facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Robert Charles Hill  
Signature

Date: May 20, 2003

Robert Charles Hill  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

A statement  
 is attached.  
 was already filed on Feb. 8, 2001

## 2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

|  |                  |
|--|------------------|
| <input checked="" type="checkbox"/> small entity   | \$160.00         |
| <input type="checkbox"/> other than a small entity | \$320.00         |
| Notice of Appeal fee due                           | \$ <u>160.00</u> |

## 3. EXTENSION OF TERM

*NOTE: 37 C.F.R. § 1.704(b) ". . . an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."*

*NOTE: The time periods set forth in 37 C.F.R. § 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. § 1.191(d). (But see 37 C.F.R. § 1.645 for extension of time in interference proceedings and 37 C.F.R. § 1.550(c) for extension of time in reexamination proceedings).*

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

- (a)  Applicant petitions for an extension of time under 37 C.F.R. § 1.136  
(fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

| Extension<br>(months)                            | Fee for other than<br>small entity | Fee for<br>small entity |
|--|------------------------------------|-------------------------|
| <input type="checkbox"/> one month               | \$ 110.00                          | \$ 55.00                |
| <input type="checkbox"/> two months              | \$ 410.00                          | \$ 205.00               |
| <input checked="" type="checkbox"/> three months | \$ 930.00                          | \$ 465.00               |
| <input type="checkbox"/> four months             | \$ 1,450.00                        | \$ 725.00               |

Fee: \$ 465.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for one (1) months has already been secured. The fee paid therefor of \$ 55.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 410.00

or

- (b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 160.00  
Extension fee (if any) \$ 410.00

TOTAL FEE DUE \$ 570.00

#### 5. FEE PAYMENT

- Attached is a  check  money order in the amount of \$ 570.00  
 Authorization is hereby made to charge the amount of \$ \_\_\_\_\_  
 to Deposit Account No. \_\_\_\_\_  
 to Credit card as shown on the attached credit card information authorization form PTO-2038.

*WARNING: Credit card information should not be included on this form as it may become public.*

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

#### 6. FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

- If any additional extension and/or fee is required,

AND/OR

- If any additional fee for claims is required,  
charge:  
 Deposit Account No. \_\_\_\_\_  
 Credit card as shown on the attached credit card information authorization form  
PTO-2038.

*WARNING: Credit card information should not be included on this form as it may become public.*

Date: May 20, 2003

Reg. No.: 20 903

Customer No.:

Robert Charles Hill

SIGNATURE OF PRACTITIONER

Robert Charles Hill

(type or print name of practitioner)

235 Montgomery Street #821  
P.O. Address

San Francisco, CA 94104

09/779 771

1) Notice Of Appeal From The  
Primary Examiner To The Board Of  
Patent Appeals & Interferences (3 pages)

2) check for \$570.00

